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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/671,861	09/25/2003	Michael Lee	013590-133022	5373

25943 7590 03/06/2007  
SCHWABE, WILLIAMSON & WYATT, P.C.  
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EXAMINER
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LIEW, ALEX KOK SOON

ART UNIT	PAPER NUMBER
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2624

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/671,861	<b>Applicant(s)</b> LEE ET AL.	
	<b>Examiner</b> Alex Liew	<b>Art Unit</b> 2624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 September 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 7 and 9-12 is/are rejected.
- 7) ☒ Claim(s) 5 and 8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Claim Objections***

Claims 5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

With regards to claim 5, the examiner's search does not show any applicable prior art and / or suggestions disclosing the capability of examining the detectors and classifiers of the various recipes, determining similarities of wood type defects of such various recipes as compared to a decorative wood panel type for which a recipe is not created and selecting desired ones of said detectors and classifiers for custom creating a new recipe for said decorative wood type in combination with claims 1, 3 and 4.

With regards to claim 8, the examiner's search does not show any applicable prior art and / or suggestions disclosing each panel includes decorative wood laminates at opposed sides of said panels, and both sides being photographically scanned and thereby producing *dual images* for each panel, said *assignment of grade levels applicable to the two sides independently* in combination with claim 6.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brecher (US pat no 5,544,256) in view of Frigon (US pub no 2002/0085093).

With regards to claim 1, Brecher discloses an inspection system for automatically detecting and classifying manufacturing defects in lumber and using photographic image for detecting and classifying said defects (see col. 23 lines 13 – 33), which system comprises

creating a computer driven recipe utilizing detectors and classifiers (see fig 1 – 5 and 1 – 9) and

photographically scanning said lumber to be inspected following assembly (see fig 1 – 15) and determining therefrom the occurrence of defects and a defect value based on the size and shape of the defect (see col. 11 lines 5 – 11 – determines the shape of the cluster defect, the defect value is the circularity of the defect cluster and see fig 7 16 – the shape and size of each defect are obtained).

The system of Brecher are made for detecting defects in several application including lumber defects (see col. 23 lines 13 – 33), where the user specified the type of defects like the size, shape or texture of the object, so the detectors and classifiers are pre-programmed to perform defect detection on lumber. But Brecher does not disclose assigning a grade of acceptability. Brecher did mention the importance of quality in products (see col. 1 lines 14 – 18) ensuring minimum defects. Frigon discloses

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assigning a grade of acceptability to such inspected panels based upon the defect value indicated (see paragraph 39 lines 16 – 20 – a defect on a line will downgrade a lumber, grading shown in fig 7A – 7E). One skill in the art would include step of assigning grade to a lumber because to determine the correct selling price of the lumber to prevent anyone from paying too much or too little and / or if the lumber has a defects that are in the range which it cannot be sell the, the system is able reject the lumber or wood, so it will not be sold.

With regards to claim 2, in an extension of claim 1, Frigon also discloses selectively diverting said panels into segregated receiving stations based on a common grade of acceptability (see paragraph 41 lines 1 – 8 – the curvature effects the length of the lumber, which affect the grade as well, paragraph 28).

With regards to claim 6, see the rationale and rejection for claim 1. In addition, Brecher also teach a plurality of grade levels shown in figure 7A to 7E.

With regards to claim 7, an extension to claim 6, Frigon also discloses having grade level from poorest to best (see fig 7 – grade from 1 to 4, paragraph 27).

3. Claims 3, 4 and 9 – 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brecher ('256) in view of Frigon ('093) as applied to claim 1 further in view of Perez (US pat no 6,336,086).

With regards to claim 3, Brecher and Frigon disclose all of the claim elements / features as discussed above in rejection for claim 1 and incorporated herein by reference, but fails to disclose creating multiple sets of computer driven recipes and providing a controller for instructing the system as to which recipe to process. Perez discloses steps of creating sets of computer driven recipes corresponding to multiple wafer machine (see fig 1 – under process type) and providing a controller for instructing the system as to which wafer machine is to be processed and accordingly the recipes to be applied to that wafer system type (see fig 2 – 210). Although, Perez does not disclose a system which perform processing on wood panel, Perez does teach selecting an algorithm from a plurality of algorithms which depends on the type of wafer system; the process of selecting algorithm is the same as what is disclosed in the current invention. The combination of Brecher, Frigon and Perez disclose what is claimed in the current invention. One skill in the art would select from a plurality of algorithms to perform processing on different types of wood panels because each wood panel needs its own processing needs, which corrects defects to improve the quality of the wood panel.

With regards to claim 4, an extension to claim 3, Perez also discloses identification code is in the form of a barcode (see fig 1 – Positrak Lot Step Plot and col. 3 lines 21 – 33).

With regards to claim 9, see the rationale and rejection for claim 3.

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With regards to claims 10 – 12, see the rationale and rejection for claims 1 and 3.

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alex Liew whose telephone number is (571)272-8623.

The examiner can normally be reached on 9:30AM - 7:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Mancuso can be reached on (571)272-7695. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**Alex Liew**  
**AU2624**  
**2/26/07**

JOSEPH MANCUSO  
SUPERVISORY PATENT EXAMINER